

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

GREGORY SCOTT HILLHOUSE

PLAINTIFF

V.

CIVIL ACTION NO. 3:11CV101 DPJ-FKB

JAMES SPANN, et al.

DEFENDANTS

ORDER

This § 1983 action is before the Court on two Report and Recommendations [69, 70] addressing five motions [52, 54, 63, 65, 66]. Plaintiff Gregory Scott Hillhouse claims that two prison guards, James Spann and Eric Lacey, extorted money from him in exchange for protections from other inmates at Central Mississippi Correctional Facility.

In the first Report and Recommendation, Magistrate Judge F. Keith Ball recommended denial of Plaintiff's motions for default judgment [52, 54, 65] as to Lacey and deferring ruling as to Spann. The docket does not reflect unequivocally that Lacey has been served with process. Spann was served on May 17, 2011, has not filed an answer, but did file a motion for appointment of counsel [53] and a motion to dismiss [71]. Judge Ball suggested that Defendant Spann be given an opportunity to respond to the motions for default judgment. Hillhouse has not filed an Objection, and the time to do so has now passed. Judge Ball's Recommendation [69] is adopted. Copies of the motions for default judgment [52, 54, 65] will be mailed to Spann, and he is given until August 15, 2012 to respond to the motions. Failure to respond may result in the granting of the motions for default judgment.

In the second Report and Recommendation, Judge Ball considered the motion to dismiss [63] filed by Christopher Epps, Emmitt Sparkman, and Margaret Bingham (MDOC Defendants). Judge Ball recommended granting the motion [63] of the MDOC Defendants. Judge Ball also

recommended denying Plaintiff's motion for summary judgment [66] as it relates to Defendant Lacey (who has not been served) and denying without prejudice the motion as to Defendant Spann—allowing Plaintiff to seek summary judgment at a later time, if the motion for default judgment is ultimately denied. Hillhouse has not filed an Objection, and the time to do so has now passed. Judge Ball's Recommendation [70] is adopted.

IT IS, THEREFORE, ORDERED that the Report and Recommendations [69, 70] of United States Magistrate Judge F. Keith Ball be, and the same is hereby, adopted as the finding of this Court.

SO ORDERED AND ADJUDGED this the 23rd day of July, 2012.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE